

FILED

Plaintiff's Name Gregory L. Rhoades
Inmate No. # E-73249
Address P.O. Box 1906, Tehachapi,
Ca. 93581.

2005 MAY 19 A 11:39

CLERK, US DIST. COURT
EASTERN DIST. OF CALIF
AT FRESNO

BY DEPUTY

IN THE EASTERN DISTRICT OF CALIFORNIA
FOR THE EASTERN DISTRICT OF CALIFORNIA AT FRESNO

Gregory L. Rhoades
(Name of Plaintiff)

CV F-02-5476 AWI DLB P
(Case Number)

vs.

AMENDED COMPLAINT

Edward Alameida : Director of Correction.
F.A. Brown : Chief Deputy Warden.
R. Vogel : Correctional Sergeant.
D. Adkinson : Correctional Officer.
(Names of all Defendants)

Civil Rights Act, 42 U.S.C. § 1983

I. Previous Lawsuits (list all other previous or pending lawsuits on back of this form):

- A. Have you brought any other lawsuits while a prisoner? Yes ___ No ☒
- B. If your answer to A is yes, how many? _____
Describe previous or pending lawsuits in the space below.
(If more than one, use back of paper to continue outlining all lawsuits.)

1. Parties to this previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if Federal Court, give name of District; if State Court, give name of County)

3. Docket Number _____ 4. Assigned Judge _____

5. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Filing date (approx.) _____ 7. Disposition date (approx.) _____

II. Exhaustion of Administrative Remedies

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes ☒ No ☐

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes ☒ No ☐

If your answer is no, explain why not _____

C. Is the process completed? The process is completed (exhausted) if: (1) your appeal was granted at one of the levels of review, or (2) you pursued your appeal to the final level of review available.

Yes ☒ If your answer is yes, briefly explain what happened at each level.

I FILED AN INMATE/PAROLEE APPEAL FORM, 602, ON 9-3-2000. IT WAS DENIED AT EVERY LEVEL. I THEN WROTE TO THE, (STATE OF CALIFORNIA, BOARD OF CONTROL); IN RESPONSE OF "DIRECTOR'S LEVEL APPEAL DECISION". WHICH STATED, I COULD APPEAL TO THE "BOARD OF CONTROL, GOVERNMENT CLAIMS UNIT." IT WAS ALSO DENIED.

No ☐ If your answer is no, explain why not.

NOTICE: Pursuant to the Prison Litigation Reform Act of 1995, "[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a). If there is an inmate appeal or administrative remedy process available at your institution, you may not file an action under Section 1983, or any other federal law, until you have first completed (exhausted) the process available at your institution. You are required to complete (exhaust) the inmate appeal or administrative remedy process before filing suit, regardless of the relief offered by the process. *Booth v. Churner*, 121 S. Ct. 1819, 1825 (2001). Even if you are seeking only money damages and the inmate appeal or administrative remedy process does not provide money, you must exhaust the process before filing suit. *Id.* at 1821.

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item B for the names, positions and places of employment of any additional defendants.)

- A. Defendant EDWARD ALAMEIDA is employed as DIRECTOR OF CORRECTIONS (C.D.C.) at FOR: STATE OF CALIFORNIA.
- B. Additional defendants "F.A. BROWN" - chief Deputy Warden, (FOR) CORCORAN STATE PRISON - IV. "R. VOGEL" - Correctional Sergeant, (FOR) CORCORAN STATE PRISON - IV. "D. ADKINSON" - Correctional Officer, (FOR) CORCORAN STATE PRISON - IV.

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

MR. Edward Alameida, F.A. Brown, R. Vogel, and D. Adkinson, while acting "under color of state law", The above named Defendants' did deprive Plaintiff of the following CIVIL RIGHTS. Count-①: (14TH AMENDMENT, DUE PROCESS OF LAW - AND EQUAL PROTECTION), and (5TH AMENDMENT, DUE PROCESS). Count-②: (1ST AMENDMENT, FREEDOM OF RELIGION). and Count-③: (8TH AMENDMENT, TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT). while in Corcoran state Prison (S.H.U.), Counts 1, 2, and 3 did happen on 9-12-2000. Mr. Edward Alameida - Director of Correction - has not provided protection and/or any policies for "INDIGENT" inmates, who are "lifer" prisoners that have no funds or family to send personal property to. And therefore inmates property is confiscated, destroyed or donated, without the equal protection of law (14TH AMENDMENT, and 5TH AMENDMENT).... F.A. Brown - Chief Deputy Warden - [Cont. pg. # 3(a)].

V. Relief.

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

(1.) An Injunction preventing Defendants (CDC), from destroying any Inmates' personal property and/or possessions, without legal consent from Inmates. And a written policy "PROTECTING" (INDIGENT) Inmates, put into effect. (2.) Damages in the sum of \$1500.00 dollars. And (3.) Punitive damages in the sum of \$150,000.00 dollars (from each defendant), on behalf of mental stress and suffering, causing anxiety.

I declare under penalty of perjury that the foregoing is true and correct.

Date _____

Signature of Plaintiff _____

Gregory L. Rhoades

By his acts of allowing and approving the destruction of plaintiff's personal property, maliciously violated plaintiff's rights given by the, (14th Amendment and 5th Amendment).... R. VOGEL - correctional Sergeant, by his acts of giving orders and approving the destruction of plaintiff's personal property. Which consisted of personal photographs of family, which some can never be replaced; Artwork (drawings); My Mother's wedding ring; Native American Religious Artifacts and Items. [I.E.] - FEATHERS, SACRED HERBS, "sage, sweetgrass, tobacco, copal, and bitter root," MEDICINE BAG, WRIST BANDS - "beaded", and NECKLACES - "beaded". I hold my religious beliefs sincerely, it is not just my religion, but it is a way of life for all Native Americans to practice their religion. And the items described above are a necessary and important part of my religious ceremonies and practices. Defendant knowingly had violated Federal Law for having had plaintiff's religious artifacts destroyed. And also for the record, these "ITEMS" of personal property are not "contraband" and presented no threat to institutional security or the safety of any persons. And so the defendant not only heinously and maliciously with "intent" did violate plaintiff's rights, (14th, 5th, 8th, and 1st Amendments).... D. ADKINSON - correctional officer, he inventoried plaintiff's personal property. So by his actions of destroying plaintiff's personal property, and/or without giving notice before doing so, and without telling his superior officer, (Sgt. R. Vogel) of the 14th and 5th Amendments, giving plaintiff the right to "due process of law and equal protection"; [I.E.] - being allowed to file an (Inmate/Parolee Appeal Form, CDC Form 602), before any destruction of property is to take place, which is my right given by (C.D.C.) rules and regulations; Title 15, Article 8 - 3084.1 (a). Did violate knowing the law. Defendant also knew that plaintiff's property was not contraband and did not present a security threat. I also informed c/o's: Adkinson, of a procedure from the (D.O.M.) - "operations manual" - 54030.11 (Temporary transfers and returns). Which was of a less restrictive means that the (C.D.C.) officials and officers could have taken. And would not of cost the state any money or would have caused any hardship on officers or inmates, and was not a security risk. The destruction of plaintiff's personal property not only contained things that are "irreplaceable", but compensatory, also contained items which are of equally "tangible value", was done for the sole purpose of harassment and retaliation. Because plaintiff was accused of assault on a correctional officer. Whereas Corcoran officers have a notorious background for willfully, and with malicious intentions to cause, "intentional" infliction of mental stress, suffering, and bodily harm to inmates for such accusations; for which there is no penological justification. Thus, Defendant did deprive (me) of my (14th, 5th, 8th and 1st Amendments).

**INMATE/PAROLEE
APPEAL FORM**
CDC 802 (12/87)00 OCT 10
APPEALS COORDINATOR
CSPICORAN00-3157
463-092

Category

5B

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
GREGORY RHOADES	E-73249	- NONE -	4B 3L 1

A. Describe Problem: ON 9.4.2000, I AM SUPPOSED TO SEND A TRUST ACCOUNT WITHDRAWAL FORM TO PROPERTY ROOM, TO YO-ADKINSON, SO THAT I CAN SEND MY PROPERTY TO SOMEONE. WELL I DID NOT, BECAUSE I HAVE INSUFFICIENT FUNDS. AND I ASK THE RIGHT TO HOUSE AN INMATE WHO IS A "LIFER", PERSONAL PROPERTY PENDING RELEASE FROM (AD-SEG) OR (SHU) BASED ON THE FACT - Please see attached page - #1

If you need more space, attach one additional sheet.

B. Action Requested: I WOULD LIKE FOR MY PERSONAL PROPERTY TO BE STORED; UNTILL I AM SENT BACK TO A MAIN LINE.

Inmate/Parolee Signature: Gregory Rhoades Date Submitted: 9/3/2000

C. INFORMAL LEVEL (Date Received: 10/3/00)

Staff Response: DENIED: DUE TO YOUR FAILURE TO SUBMIT A CDC 193 TO THE 4A PROPERTY ROOM, YOUR SHU NON-ALLOWABLE PROPERTY WAS DISPOSED OF ON 9/12/00 PER OPERATIONAL PROCEDURE 806.

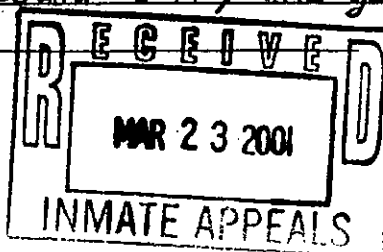
Staff Signature: D. Adkinson, c/o 4A PROPERTY Date Returned to Inmate: 10/3/0

D. FORMAL LEVEL

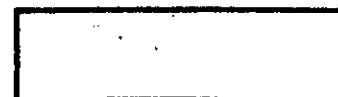
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

I did not fail to submit a CDC 193 form. There was no reason to send in. I clearly stated to YO-Gonzalez (4A 3L), that I had insufficient funds. Then a few days later I received a CDC 128B and a trust withdrawal form from YO-Atkinson. I waited as long as I could to try and get some money; [Continued Page 2]

Signature: Gregory Rhoades
Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim



Date Submitted: 10/5/2000
CDC Appeal Number:



CDC 602 (12/87)

DEC 18 2001

Date:

☐ Other

☒ Denied

☐ P. Granted

☐ Granted

☐ See Attached Letter

For the Director's Review, submit all documents to:
Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

Signature: Gregory E. Chasler

Date Submitted: 3/19/2001

I ask that my property held under (D.O.M. Section 54030-11): Also, I just don't understand. I've written all I know, and I wasn't able to find the "law case" that deals with this problem. Anyhow, I believe that the "people", who have been assigned to hear my appeal, have tried to deceive me, with the exception of (F.A. Brown, c.w.). They wrote on the (602) that my property was destroyed; [continued] page # 4

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Warden/Superintendent Signature: F.A. Brown, c.w.

Date Completed: 1/23/01

MM 30 2001

1/23/01

1/10

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THAT SAID INMATE IS INDIGENT AND/OR HAS NO RELATIONS WHICH HE CAN SEND PERSONAL PROPERTY TO. AS WELL AS THE FACT THAT SAID "LIFER" HAS NO RESOURCE IN WHICH TO RECOVER OR REPLACE THE (ITEMS) IF FORCED TO DONATE. SO I ASK THAT MY PROPERTY BE STORED. I LOOKED AT [D.O.M.] SECTION 54030.11 (TEMPORARY TRANSFERS AND RETURNS). and it states ; "property for inmates placed in temporary ad-seg and special housing units, shall be stored in RPR, or in ad-seg property rooms (if available)", please consider.

CONTINUATION - (D. Formal level)

Page # 2

LOG # - 4B3-09-20

the CDC 128 B form gave me 30 days to try. And when I did not receive any money, I wrote and submitted an appeal (602), so I can attempt to save my property I submitted (602) before my time was up. All I ask is that my property be stored. Please consider D.O.M. section 54030.11.

[ADDED] ARE CDC 128 B and trust withdrawal form.

NAME and NUMBER

NAME RHODESNUMBER E-73249HOUSING 4A32-63RDEPARTMENT OF CORRECTIONS
CDC 128 B (8/87)

NOTICE - 4A PROPERTY ROOM

This will serve as a notice that you have Two (2) BOXES of unauthorized CSP-C SHU property currently stored at the 4A Property room. As a result of your failure to provide the 4A property room with a completed trust withdrawal order, you have 30 days in which to provide the necessary documentation requested, or your unauthorized CSP-C SHU property will be disposed of in accordance with CDC title 15, §3191(c) this notice expires: 9/4/00

CC: CENTRAL FILE

COUNSELOR

INMATE

PROPERTY FILE

A. Walker
C/O 4A PROPERTY ROOMDATE 8/4/00

(INFORMATIVE)

CSP-CORCORAN GENERAL CHRONO

TRUST ACCOUNT WITHDRAWAL ORDER

To: Warden

Approved By: _____

Date: _____

I hereby request that my Trust Account be charged \$ _____ for the purpose indicated below and authorize the withdrawal of that sum from my account.

CDC Number _____

NAME (Signature) DO NOT PRINT _____

State below the PURPOSE for which withdrawal is requested.

PRINT PLAINLY BELOW name and address of person to whom package is to be mailed.

PURPOSE: SHIPMENT OF UNAUTHORIZED
ITEM(S)

NAME: _____

ADDRESS: _____

NOTE: ALL ITEMS WILL BE SHIPPED BY UPS
In the event my Trust Account does not have sufficient funds within thirty (30) days from the date of this form (date above) for shipping, I authorized the following:

Donate to: CSP-CORCORAN

Donate to a Local Charitable Organization

PRINT YOUR FULL NAME HERE _____

TRUST ACCOUNT BALANCE

10 DAYS	DATE
20 DAYS	DATE
30 DAYS	DATE
DISPOSITION	DATE

If no selection is noted, Institution staff will determine the method of disposition.

ADDRESS LABEL

CORCORAN STATE PRISON
101 KING AVENUE
P.O. BOX 8800
CORCORAN, CA 93212-8800
NAME/CDC NUMBER: _____

PKG #: _____

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

LOG # CSP-C-6-00-03157

stored under (D.O.M.) section 54030.11, (Temporary transfers and returns). Also, there should be a written policy protecting inmates, who have no funds to send property out. Because personal property such as Photographs, Letters/cards, and Religious Items are very sacred to an inmate-(person). These policies (Op. 222 sec. 602), and (Op. 806) are [Cruel and Unusual punishment]. And, in addition, this is a form of (Harassment: As defined in title 15 - article 1. Behavior 3000. "Means a willful course of conduct directed at a specific person, group, or entity which seriously alarms, annoys, or terrorizes that person, group, or entity and which [serves no legitimate purpose]." And could you explain how these procedures (Op. 222), (Op. 806) are reasonably related to legitimate penological interests? Also to inform, it is against Federal and/or State law to willfully destroy any Religious Items; and Religious Items are also protected under constitutional law. I'm not sure of which laws to "cite" right now. But when I'm done with my law research I will amend this appeal complaint; when I find the law cases.

Respectfully,
Tm: Rhoades #E-73249

DEPARTMENT OF CORRECTIONS

CALIFORNIA STATE PRISON-CORCORAN

4001 King Avenue
P. O. Box 8800
Corcoran, California 93212-8309
(559) 992-8800



SECOND LEVEL APPEAL RESPONSE

DATE:	December 30, 2000
TO:	Inmate Rhoades, E-73249
RE: APPEAL LOG NO.:	CSP-C-6-00-03157
ISSUE APPEALED:	Property

PROBLEM DESCRIPTION: The appellant contends that he is serving a Determinate Security Housing Unit (SHU) term and is requesting that his SHU non-allowable property be retained in the Property room pending the completion of his SHU term. Appellant cites DOM 54030.11, Temporary transfers and returns.

ACTION REQUESTED: Appellant requests that his personal property be stored until he is sent back to the Main line.

APPEAL RESPONSE: Appellant received a most appropriate response at the Informal and First Formal level of review. Per Operational Procedures 222, section 602, Inmate Property, and Operational Procedures 806, Inmate Property: appellant must provide staff with the necessary funds for his property to either be mailed home, have it donated to the state, or destroyed. If appellant does not provide the necessary funds, staff will make the determination as to which method of disposal will be implemented.

Based on the aforementioned, the appeal is denied at the Second Level of review.

APPEAL DECISION: Appeal is DENIED at the Second Level of review.

A handwritten signature in cursive script, appearing to read "F. Brown", is written over a horizontal line.

F. BROWN

Chief Deputy Warden, Administration

VC/de

Pg. # 4

Log # CSP-C-6-00-03157

to make me think that I had nothing to appeal (602), now that they disposed of my property. Also, they took a long time to send my (602) back; Only when I wrote them, two Inmate request for Interview's*, did I finally get my appeal back. I have no funds to send my property out, and even if I did, my family has no place for it. So please consider Dom section 54030.11. And there should be a new policy, put in place to protect Indigent inmates.

(ADDED) * Inmate Request for interview / Inmate - Parolee Appeal (602)
 Status Report.

Respectfully,
 F/m: RHOADES
 # E-73249

STATE OF CALIFORNIA
GA-22 (9/92)

INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE 2.8.2001	TO APPEALS COORDINATOR	FROM (LAST NAME) RHOADES	CDC NUMBER E-73249
HOUSING 4A 1L	BED NUMBER 7	WORK ASSIGNMENT N/A	JOB HOURS FROM N/A TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.) N/A			ASSIGNMENT HOURS FROM N/A TO

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I am wondering about my appeal? It is concerning my personal property. The appeal number is CSP-C-6-00-03157. I was supposed to hear back from you on or by 1-10-2001. The assigned staff reviewer is, ccII Castillo. I wrote him a request **OVER**

Do NOT write below this line. If more space is required, write on back.

INTERVIEWED BY

@

DATE

2-15-01

DISPOSITION

See status report

| Inmate / Parolee Appeal (602) Status Report |

AS OF: 02/15/01

----- PRIMARY APPEAL DATA -----

Log Number : CSP-C-6-00-03157
Date Received: 10/10/00
Appellant : RHOADES
CDC Number : E-73249
Appeal Issue : PROPERTY
Area of Orig : 4B-3L

----- FIRST LEVEL -----

Date Assigned: 10/20/00
Assigned To : AW 4A
Date Due : 12/05/00
OD Notice #0 : / /
Date Complete: 11/09/00
Disposition : DENIED

----- \$\$\$ REIMBURSEMENT DATA -----

Amount: \$ 0.00
Factor:

----- SECOND LEVEL -----

Date Assigned: 12/11/00
Assigned To : CCII CASTILLO
Date Due : 01/10/01
OD Notice #0 : / /
Date Complete: 12/30/00
Disposition : DENIED

----- SCREEN OUT DATA -----

Scrn Out Date: / /
Scrn Out Code: 0
Scrn Out Note:

----- INFORMAL LEVEL -----

Date Assigned: 10/03/00
Assigned To : C/O D. ADKINSON
Date Complete: 10/03/00
Disposition : DENIED

----- THIRD LEVEL -----

Date Complete : / /
Disposition :
Third Lev Note:
Third Lev Note:

----- Comments/Notes -----

HOLD PROP UNTIL BACK ON MAINLINE
RET TO IM 01/30

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

DIRECTOR'S LEVEL APPEAL DECISION

Date: DEC 1 8 2001

In re: Rhodes, E-73249
California Correctional Institution
P.O. Box 1031
Tehachapi, CA 93581

IAB CASE NO: 0009155
APPEAL CATEGORY: Property

LOCAL LOG NO: COR 00-3157

This matter was reviewed on the existing record on behalf of the Director of the California Department of Corrections (CDC) by Appeals Examiner R. Floto, Facility Captain.

I APPELLANT'S ARGUMENT: He alleges that staff inventoried and packaged his property upon his transfer to Security Housing Unit (SHU). He claims that staff negligently confiscated some of his property items upon his placement in SHU.

A. APPELLANT'S REQUEST: He requests to be reimbursed for the cost of the confiscated property items or for the facility to store the items for him.

II SECOND LEVEL DECISION: DENIED

III SECOND LEVEL ARGUMENT: The items were appropriately confiscated upon his placement in ASU. The items in question are not allowable property items in SHU. He was provided the opportunity to send the items home or donate them. The facility does not have the capability to store property for inmates.

IV DIRECTOR'S LEVEL DECISION: DENIED

A. REASONS FOR DECISION: The Second Level Response is appropriate and the decision is based upon a reasonable penological interest. It represents CDC's position. The appellant has failed to present compelling evidence and convincing argument to warrant modification of the decision reached by the institution. The Department does not accept liability for the loss of inmate personal property unless it is established that such loss was the result of employee negligence. The items in question are not allowable property items in SHU and were appropriately confiscated.

B. REGULATORY AND/OR LEGAL FOUNDATION(S) FOR THE DECISION:

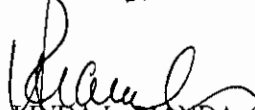
CA Code of Regulations: 3084.7, 3190, 3193, 3343

CDC Operations Manual:

OTHER:

V. DIRECTOR'S LEVEL ORDER: No order is necessary.

This decision exhausts the administrative remedy available to the appellant within CDC. If this is a group appeal, the appellant shall, pursuant to CCR 3084.2(f)(2), share this response with the other inmates who signed it. If the appellant addressed multiple concerns, only the most pertinent issue was addressed. The appellant may appeal a denied property/monetary request appeal to the State Board of Control, Government Claims Unit, P.O. Box 3035, Sacramento, CA 95812-3035.


LINDA L. RIANDA, Chief
Inmate Appeals Branch

cc: Warden, CCI
Appeals Coordinator, CCI
Appeals Coordinator, COR

State of California
Victim Compensation and Government Claims Board
Government Claims Branch
P.O. Box 3035
Sacramento, CA 95812-3035
(800)-955-0045 ATSS (916)-323-3564

Gregory Rhoades E73249
P O Box 1906
Tehachapi, CA 93581

RE: Claim G522218 for Gregory Rhoades, E73249

Tort claim for Incomplete, Amount and How Determined

Dear Mr. Rhoades:

The Victim Compensation and Government Claims Board (Board) received your claim on January 08, 2002.

We have reviewed your claim and determined that it is incomplete for the following reason(s):

Please specify if the claim is a limited civil case or a non-limited civil case. A limited civil case is a claim in which the amount claimed totals less than \$25,000. A non-limited civil case is a claim in which the amount claimed exceeds \$25,000.

Please specify the amount you are claiming and explain how you determined the amount.

Please return your written response and a copy of this notice to the Board and indicate claim number G522218 on all correspondence. We must receive a written response to this notice before we can process your claim further.

If you have questions about this matter, please mention letter reference 98 and claim number G522218 when you call or write your claim technician/analyst at (800)-955-0045.

Sincerely,

Government Claims Branch
Victim Compensation and Government Claims Board

cc: GCB Staff

Ltr 98 Incomplete Claim

State of California
Victim Compensation and Government Claims Board
Government Claims Branch
P.O. Box 3035
Sacramento, CA 95812-3035
(800)-955-0045 ATSS (916)-323-3564

Gregory Rhoades E73249
P O Box 1906
Tehachapi, CA 93581

RE: Claim G522218 for Gregory Rhoades, E73249

Tort claim for Incomplete, Amount and How Determined

Dear Mr. Rhoades:

The Victim Compensation and Government Claims Board (Board) received your claim on January 08, 2002.

We have reviewed your claim and determined that it is incomplete for the following reason(s):

In response to your inquiry dated February 3, 2002, the Board cannot complete the processing of your claim without either a dollar amount or a court of jurisdiction. The court of jurisdiction will indicate the approximate dollar amount to be claimed. Non-limited or superior court indicates that the amount to be claimed would be greater than \$25,000. Limited, or municipal court, indicates that the amount to be claimed would be less than \$25,000.

If you have exhausted your 602 Appeal process, please forward a copy of the Directors Level Decision. If the Department of Corrections has denied your appeal, the Board will deny your claim as well. This action preserves your right to sue the State, should you choose to pursue this matter in a court of law. Your claim will then be placed upon an in-house hearing (you are not required to attend) and reject the claim. Within approximately two weeks a notice will be mailed to you stating the official action of the Board.

If your claim has been granted by the Department of Corrections, the above hearing process would be the same.

Please return your written response and a copy of this notice to the Board and indicate claim number G522218 on all correspondence. We must receive a written response to this notice before we can process your claim further.

If you have questions about this matter, please mention letter reference 98 and claim number G522218 when you call or write your claim technician/analyst at (800)-955-0045.

Sincerely,

Government Claims Branch
Victim Compensation and Government Claims Board

cc: GCB Staff

Proof of Service by Mail

I declare that:

I am a resident of CALIF. CORR. INST. in the county of KERN,
California. I am over the age of 18 years. My residence address is: Gregory L. Rhoades,
#E-73249, C.C.I., P.O. Box 1906, Tehachapi, Ca. 93581
On 5/16/2005, I served the attached 5 Documents / AMENDED COMPLAINT on the
OFFICE OF THE CLERK in said case by placing a true copy thereof enclosed in a sealed
envelope with postage thereon fully paid, in the United States mail at Tehachapi, CSP.
addressed as follows:

OFFICE OF THE CLERK, 1130 "O" Street,
Room 5000, Fresno, Ca. 93721

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct, and that this declaration was executed on 5/16/2005 [date],
at Tehachapi, California.

Gregory L. Rhoades
[Type or Print Name]

Gregory L. Rhoades
[Signature]